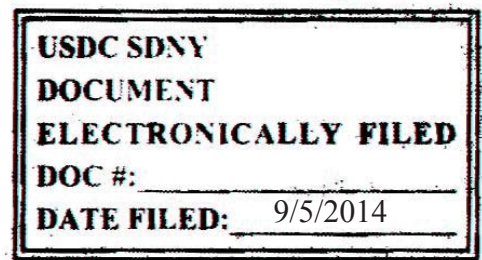


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September 5, 2014

BY ECF

Honorable Sarah Netburn, U.S.M.J.
United States District Court for the Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

RE: SMG, et al. v. City of New York, et al.
SDNY Case No.: 14-Civ-0815 (VSB)
Our File No.: 3009099-0087

Dear Judge Netburn:

One major premise underlying the efforts to mediate this matter on Friday September 12 is the fact that one insurer is affording a defense to all the defendants through two separate counsel. The City, as all prior discussions with Judge Broderick have reflected, is not being asked at this juncture to reach into public funds to resolve this case. Therefore, it is our application, which we respectfully request the Court will allow, to have someone available from the City by telephone, but not to have them present at the mediation.

The other counsel all consent to this request.

May we thank the Court for its kind attention to this submission.

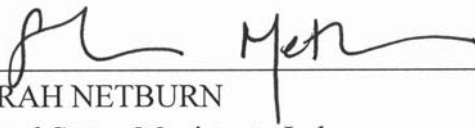
Very truly yours,

Carl J. Schaerf (CS-5031)
For SCHNADER HARRISON SEGAL & LEWIS LLP

CJS/cm

Application granted.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

September 5, 2014
New York, New York